the terms agreed between the parties. By the tenant's election and also by the tenant's admission that the premises had suffered a change of identity, the court was discharged from the duty of investigating the matters in controversy, and the tenant took a benefit under the consent judgment which enabled her to remain in possession until the 29th February, 1964. Having regard to these circumstances and the long delay on the part of the tenant in bringing the present action, I take the view that the tenant cannot now resile from the election made by her and resuscitate a plea which was abandoned by her and re-open the litigation which was intended by both parties to be brought to an end by the consent judgment.

For the above reasons I come to the conclusion that the defendants succeed on the preliminary point raised by them, and I accordingly dismiss the plaintiff's claim with costs.

Claim dismissed.

Solicitors: *L. A. J. Smith; Allen & Gledhill.*

SAY LIP HIN v. SAY LIP HIN

[O.C.J. (Ong J.) January 4, 1965]

[K.L. — Divorce Petition No. 15 of 1964]

Husband and wife — Divorce — Cruelty — Neglect — Fallen out of love — Whether sufficient ground — Divorce Ordinance, 1952, s. 7(2)(d).

The fact that a man has neglected his wife and has fallen out of love for her is not a sufficient ground for her to obtain a decree of dissolution of marriage.

DIVORCE PETITION.

K. L. Devaser for the petitioner.

Respondent absent.

Ong J.: This was an undefended petition by a wife for dissolution of her marriage to the respondent. The petitioner alone gave evidence in support of the petition, which I had no option but to dismiss.

The parties were married in the Registry of Marriages, Malacca, on November 11, 1961. The petition was filed on November 13, 1964. However, in December 1962, the respondent left the matrimonial home in Malacca to take up an appointment in Penang, where the petitioner visited and lived with him in January 1963. If this was tantamount to desertion without cause — which I very much doubt — such desertion nevertheless has not exceeded three years, the minimum period required under section 7(2)(d) of the Divorce Ordinance, 1952.

In paragraph 15 of her petition there was merely a hint of adultery supported by not an iota of evidence.

The petitioner accordingly was left with only one ground for divorce, namely, cruelty. With all the sympathy in the world for her, I am nevertheless compelled to the conclusion that cruelty in the sense in which it is understood in these cases has been far from made out. It is true that the respondent has neglected her, but I am afraid that the fact that a man has fallen out of love for his wife is not a sufficient ground for her to obtain a decree of dissolution of marriage.

The evidence of the petitioner speaks for itself and clearly supports my conclusion. I have nothing more to add.

Petition dismissed.

CHAN FOOK WAH v. BOARD OF ARCHITECTS

[A.C.J. (Winslow J.) January 6, 1965]

[Singapore — Originating Motion No. 22 of 1964]

Architect — Disciplinary proceedings — Infamous conduct in a professional respect — Charge under invalid by-law — Architects Ordinance (Cap. 189), Architects By-laws, 1941, by-law 13.

Administrative Law — Validity of by-law — By-law ultra vires the Ordinance.

This was an appeal against the order of the board of architects cancelling the certificate of registration of the appellant as an architect and removing his name from the register of architects. The offence alleged against the appellant was one under by-law 13(26) of the Architects By-laws, 1941, for signing or putting his signature to plans not prepared by him or by his staff under his supervision for the purpose of obtaining the sanction of the local authorities.

Held: by-law 13 was *ultra vires* the provisions of the Ordinance and was null, void and invalid. The institution of proceedings therefore against the appellant was completely unjustified and the appeal must be allowed.

Case referred to:—

(1) *Re Lee Kian Soo, an Architect* [1953] M.L.J. 195.

ORIGINATING MOTION.

Lim Chor Pee and *Khoo Hin Hiong* for the appellant.

T. H. A. Potts for the respondent.

Cur. Adv. Vult.

Winslow J.: The appellant who is about 67 years of age appeals against the order of the Board of Architects dated 14th October, 1964, cancelling his certificate of registration as an architect and the removal of his name from the register of architects. He was first informed in August, 1963 that he was required to attend a meeting of the board to be held on 3rd September, 1963 "in connection with a court case" relating to one C. H. Wee who had previously been convicted of cheating. Various meetings by the board were held thereafter until October, 1964